

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JORDAN MICHAEL CRALL, 703965,

Plaintiff,

Civil Action No. 17-CV-14071

vs.

HON. BERNARD A. FRIEDMAN

UNITED STATES OF AMERICA,

Defendant.

OPINION AND ORDER DISMISSING PLAINTIFF'S COMPLAINT

This matter is before the Court on the Court's own review of the docket. Plaintiff is a prisoner at the Ionia Maximum Correctional Facility. On December 19, 2017, Magistrate Judge R. Steven Whalen signed an order of deficiency, giving plaintiff thirty days to either pay the \$350 filing fee plus a \$50 administrative fee, or to submit an application to proceed *in forma pauperis*. To date, plaintiff has neither paid the filing fee nor submitted an application. Consequently, for the reasons stated below, the Court dismisses his complaint without prejudice.

The Prisoner Litigation Reform Act of 1995 (PLRA) states that "if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee." 28 U.S.C. § 1915(b)(1). Under § 1915(a), prisoners may make a "downpayment" of the filing fee and pay rest in installments. *See Miller v. Campbell*, 108 F. Supp. 2d 960, 962 (W.D. Tenn. 2000). To successfully pursue an application to proceed *in forma pauperis*, a prisoner must simultaneously file an affidavit of indigency and a certified copy of the trust fund account statement for the six-month period immediately preceding the complaint's filing. *See* § 1915(a). If the prisoner neither pays nor correctly files an *in forma pauperis* application, the Court must notify her of the deficiency and give her thirty days to correct it. *See*

McGore v. Wigglesworth, 114 F. 3d 601, 605 (6th Cir.1997). If the prisoner fails to comply, the Court must presume that the prisoner is not a pauper, assess the full fee, and dismiss the case for lack of prosecution. *Id.*

The Court will dismiss the complaint for want of prosecution. Plaintiff has failed to comply with Magistrate Judge Whalen's deficiency order by not paying the filing fee and not providing the necessary documentation in support of his *in forma pauperis* application.

Accordingly,

IT IS ORDERED that plaintiff's complaint is dismissed without prejudice.

Dated: February 14, 2018
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on February 14, 2018.

s/Johnetta M. Curry-Williams
Case Manager